

Exhibit No. 14Date 1-31-07Page 313 142

**Association of Disaster and Emergency  
Services Coordinators  
State of Montana**

January 31, 2007

Chairman Weinberg, Vice-Chair Moss and members of this Committee:

Thank you for the chance to speak to you today. I am representing the Montana Disaster and Emergency Services Coordinators Association. Our Association's primary membership is Disaster and Emergency Services coordinators and emergency managers from the local and tribal jurisdictions in Montana. Many of our partner agencies, such as the National Weather Service, are also active members of our association.

Our business of emergency management is about drawing people together to bring order to chaotic situations. Every emergency creates its own brand of chaos but is managed in the same way using the same incident management system. It is vital that responders from all the different response agencies—state, local, and tribal government, private businesses, and non-profit organizations—be involved in the planning process before an incident occurs. It is during this planning process that relationships are built and trust is developed. Relationships and trust are the foundation of the planning process and the words on paper are a byproduct of that foundation, not the other way around. The majority of our members believe that Senate Bill 142 is trying to use legislation to fix a problem that does not relate to many of the inaccuracies that have come out in this bill. This is the main reason we are requesting that Senate Bill 142 be tabled. This legislation will not fix the underlying problems with communication and with lack of support from assisting agencies. We believe that we can work together with the Department of Health and Human Services to not only solve that problem, but in the end build a stronger working relationship and develop plans that we can all use in an effective response to any emergency or disaster that could threaten the lives of the people of Montana.

As emergency managers, we have been operating under the authority of Title 10 for years. The proposed additions and changes to Title 10 will have an impact on how we respond to and potentially recover from emergencies. Title 10 currently covers all hazards, which include public health emergencies. I am not here to argue against the reasons why public health wants to change the code. I am here to say that most members of the Montana Disaster and Emergency Services Coordinators Association feel the current wording in this bill will negatively impact the relationships and trust that is our foundation. This has already happened in some jurisdictions.

Communication is the most difficult part of planning for and responding to emergencies. It was also a problem during the drafting of this bill. As of last summer, the few local emergency managers and local public health officials who knew anything about the proposed legislation, thought that Senate Bill 142 was designed to make changes to Title 50. In the fall of 2006, many began to realize that the majority of the bill were going

into Title 10. It wasn't until December, when a group of us were first introduced to the entirety of the proposed legislation, that we knew our association needed to work with public health to make changes that we could all live with. In January, officials from the Department of Public Health and Human Services and DES Association members got together to make these changes. I want this committee to know that all of us involved tried extremely hard to come up with acceptable changes. In the end, we all simply ran out of time to complete this process. This is the reason why the DES Association is not asking that this bill be killed outright, but that it be tabled so that the process that began in December can be completed. Title 10 is too important to the people of Montana, to emergency managers across the state, and to all emergency responders for us to support anything but the right changes—changes that address both the intent of public health and that enhance the way emergencies are managed.

We still have fundamental problems with wording that is in the amended legislation. Examples of this include: the elements that are listed in the public health plan in Section 3 because many of the items listed are already covered in the state emergency operations plan; stating that public health is the lead agency during public health emergencies because lead agencies are listed in a plan, determined through the planning process, and should not be written in legislation; and that the declaration of one disaster does not preclude the declaration of a public health emergency because the declaration process is already in place for single or multiple emergencies. Let me be clear on this, the DES Association isn't saying that all of this wording needs to be eliminated, only that we don't have time to give our definitive support during this legislative session. The reason we don't have time is because the process used for developing this legislation was flawed.

Once again, we come back to the process. Just as in emergency operations plans, the process that builds relationships and trust among agencies didn't happen. Lack of communication and support has to be addressed immediately, and from the DES Association perspective, we have plans to do just that. We will help public health receive the support they need from key state agencies, and will work with them to achieve legislation that is right for our citizens. If you honor our request to table Senate Bill 142, we will be ready to assign several members to work directly with state public health officials and other state agencies to solve the underlying problems first so that we can develop stronger legislation later. How we handle emergencies on the local level and on the state level is too important to the people of Montana. We need to take the time to ensure that this is the right legislation for the right reason and accept nothing less.



**Association of Disaster and Emergency  
Services Coordinators  
State of Montana**

Jim Murphy  
Public Health Emergency Preparedness  
Montana Department of Public Health and Human Services  
Cogswell Building  
Helena, MT 59601

January 29, 2007

Dear Jim,

Thank you again for the efforts of you and your staff to help us clarify some of the concerns we have with SB142, it is very obvious that we all want to work together for a bill that helps solve problems. Unfortunately, we don't feel any of us have enough time to solve and/or explain all the problems. For this reason, we are asking that this bill be tabled until the next legislative session.

This was an extremely difficult decision for us and one we worked hard to avoid. In the end, time was not on our side. It is important for you to understand that we want to table this bill so that we can fix the fundamental problems that surfaced during our conversations—communication and support. We can't fix problems without first recognizing that they exist. Right now, we want you to know that by tabling this bill we can build on the cooperation that we've begun in the last few months and help you produce legislation for the next session that will benefit all residents in Montana. During this process we will work hard to solve communication and support problems on the local and state level, and we will start working to solve those problems immediately. For this reason, we encourage you to look at our request as a beginning, not an end.

If we thought that tabling this bill would prevent anyone from doing their jobs during a public health emergency we wouldn't ask. As Title 10 is written currently, it covers everything that you need. Public Health can write a plan as part of the state EOP and declare a public health emergency. If there was a way to preserve the credentialing piece of this bill we would support that, but some of our membership also feel that even the credentialing is covered under the EMAC section of Title 10.

The request to table this bill is important to us because we care about the jobs we do and how we help the people of our communities. We've already spoken to jurisdictions who say this bill has hurt their working relationships with their local health partners. The problems of communication and support can't be solved through this or any legislation and may even hurt it. Our concern is not the hard work that went into this; not the names of people who will be frustrated or politically damaged if it isn't passed; not

the fact that a monumentally busy fire season may have impeded some of the communication that you offered over the summer months; not even the fact that some local health officials were caught off guard by this legislation. We care about how these emergencies are handled and that everyone understands how they are handled. We know that your state staff cares about this also. This understanding doesn't happen through legislation, it happens during the planning process which can only be facilitated through legislation.

We have already apologized for the problems that your agency experienced during your two year process. We want you to know today, that we will be addressing those problems as soon as possible. We also want you to know that we will attend the committee hearing on January 31<sup>st</sup> and request that this bill be tabled until the next session. We wouldn't be representing our members truthfully if we didn't take this action.

Sincerely,

Kerry O'Connell, DES Coordinator  
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Butch Renders, DES Coordinator  
Richland County  
406-433-2220

John Pisk, DES Coordinator  
Prairie County  
406-635-5738

Kerry,

I thought the letter was thoughtful in its tone and I hope that however this turns out we can work together to improve the response systems as we move forward. I'm sorry we weren't able to come to more of an agreement on the substance of the bill but can't help but think a lot of it is because information just didn't make it down to the levels necessary despite a pretty intense effort. I think we'll have a better idea about how to address these items in the future.

I'd really like to be able to plug more into the DES association and would be happy to participate in any meetings or groups to share information and get your perspectives on our efforts. I'll leave it up to you and your folks about the best way to do that.

Thanks for your efforts,

Jim

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**From:** O'Connell, Kerry

**Sent:** Tuesday, January 30, 2007 2:28 PM

**To:** Murphy, Jim

**Cc:** McGowan, Dan; O'Connell, Kerry; 'Curt Petrik'; Pisk, John; Butch Renders

**Subject:** DES Association Position

Jim,

Attached is our current position on SB142 and how we plan to testify tomorrow.

Let me know if you have any questions before tomorrow.

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1/31/2007